



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,403	05/03/2004	Gregory Philip Brown	81093004 / FMC 1678 PUS	3402

28395 7590 04/23/2007
BROOKS KUSHMAN P.C./FGTL
1000 TOWN CENTER
22ND FLOOR
SOUTHFIELD, MI 48075-1238

EXAMINER

NELSON JR, MILTON

ART UNIT	PAPER NUMBER
----------	--------------

3636

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/709,403

Applicant(s)

BROWN ET AL.

Examiner

Milton Nelson, Jr.

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-28,30-34,36-45 and 63-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8, 13-17, 19-28, 30-34, 36-42 is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9-12,18,43-45 and 63-65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 43-45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 43 includes a typographical error. Note that claim 43 is now dependent from cancelled claim 35. It appears that "35" should be "33". Claims 44 and 45 are indefinite since each depends from an indefinite claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 4, 5, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison et al (5322341) in view of Higgs et al (4585273). The primary reference shows all claimed features of the instant invention with the exception of a lap and shoulder restraint system integrated with the backrest for use in connection

Art Unit: 3636

with either of the front or back faces of the backrest (claim 1); wherein the lap and shoulder restraint system includes a shoulder strap that retracts into the backrest at or near a top of the backrest (claim 4). In Harrison et al, note the seat cushion (20), backrest (14), a restraint system buckle pivotally attached to the backrest (see Figure 1), wherein the restraint system includes a lap strap pivotally attached to the backrest at or near a bottom of the backrest (see Figure 1), and locking mechanism (52). Also note that the restraint system is usable in either the forward seating position or the rearward seating position. Additionally note that the restraint system of Harrison et al is integrated with the backrest, wherein the restraint system is for use in connection with either of the front or back faces of the backrest. This can be seen in Figure 1.

The secondary reference conventionally teaches providing a backrest assembly with a lap and shoulder restraint system integrated with the backrest (note Figures 1 and 3), wherein the lap and shoulder restraint system includes a shoulder strap that retracts into the backrest at or near a top of the backrest (note Figures 1 and 3).

Regarding claim 1, it would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify the primary reference in view of the teachings of the secondary reference by configuring the restraint system of Harrison et al as a lap and shoulder restraint system. Such necessarily provides use in connection with either of the front or back faces of the backrest. Regarding claim 4, it would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to further modify the primary reference in view of the teachings of the secondary reference by configuring the restraint system of Harrison et al as

including a shoulder strap that retracts into the backrest at or near a top of the backrest (see Figure 3). Such enhances user safety while providing the shoulder strap in a configuration for retractable storage into a compact area.

Claims 6, 7 and 10, are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison et al (5322341) in view of Higgs et al (4585273), as applied to claim to claim 1 above, and further in view of Isono et al (4592588). The primary reference, as modified above, shows all claimed features of the instant invention with the exception of the backrest including a bladder system, whereby the backrest front face may be expanded by use of a bladder system while the rear face is substantially planar or concave (claim 6); wherein the backrest front face is contoured to provide lateral support (claim 7); wherein the seat cushion is contoured to provide lateral support (claim 10). Note the discussion of Harrison et al, as modified, above.

Isono et al teaches providing a seat assembly with a backrest having a bladder system, whereby the backrest front face may be expanded by use of a bladder system (5a) while the rear face is substantially planar or concave (see Figures 2 and 4); wherein the backrest front face is contoured to provide lateral support (note members 3b and 3c); wherein the seat cushion is contoured to provide lateral support (note members 2b and 2c).

Regarding claim 6, it would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to further modify Harrison et al in view of the teachings of the Isono et al by adding a bladder system, and associated structure, to

Art Unit: 3636

the backrest, so that the backrest front face may be expanded by use of a bladder system (5a) while the rear face is substantially planar or concave. This modification enhances user comfort and safety. Regarding claim 7, it would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to further modify Harrison et al in view of the teachings of Isono et al by adding lateral support members to the backrest front face to provide lateral support contouring. This modification enhances user comfort and safety. Regarding claim 10, it would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to further modify the Harrison et al in view of the teachings of Isono et al by adding lateral support members to the seat cushion provide lateral support. This modification enhances user support and comfort.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison et al (5322341) in view of Higgs et al (4585273), as applied to claim to claim 1 above, and further in view of Kim (6488333). The primary reference, as modified above, shows all claimed features of the instant invention with the exception of the backrest back face being contoured to provide lateral support. Note the discussion of Harrison et al, as modified, above.

Kim teaches providing a seat assembly with a backrest having a back face being contoured to provide lateral support. Note Figures 23A-23C, which show a backrest having both front and back faces with lateral support members that provide lateral support when using either the front or back face.

It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to further modify Harrison et al in view of the teachings of Kim by adding lateral support members to the backrest back face to provide lateral support contouring on the back face. This modification enhances user comfort and safety when using the back face as a supporting surface.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison et al (5322341) in view of Higgs et al (4585273), as applied to claim 1 above, and further in view of Greaves (2979098). The primary reference, as modified above, shows all claimed features of the instant invention with the exception of the reversible pocket selectively attached to the backrest for retaining articles for travel, wherein the pocket is adjacent the back face of the backrest when the backrest is in the forward seating position and is adjacent the front face of the backrest when the backrest is in the rearward seating position. Note the discussion of Harrison et al, as modified, above.

Greaves teaches providing a seat assembly with a reversible pocket (either of members 8) selectively attached to a backrest for retaining articles for travel, wherein the pocket is adjacent the back face of the backrest when the backrest is in the forward seating position wherein the pocket is capable of being adjacent the front face of the backrest when used on a backrest that is moveable to a rearward seating position (this is based on the portability of the pocket). Alternately note that a pocket (8) is adjacent both the back and front faces of the backrest in any position of the backrest.

It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to further modify Harrison et al in view of the teachings of the Greaves by adding a reversible pocket selectively attached to the backrest for retaining articles for travel, wherein the pocket is adjacent the back face of the backrest when the backrest is in the forward seating position and is adjacent the front face of the backrest when the backrest is in the rearward seating position. Addition of the pocket provides a means for selectively storing disparate articles.

Claims 63-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huff (1644528) in view of Garza (4168860). The primary reference shows all claimed features of the instant invention with the exception of a rearward seating position having a seating surface generally defined by the rear surface of the backrest and the upper surface of said seat cushion in a second position. In Huff, note the front and rear surfaces (see Figure 1), and a forward seating position (see Figure 1) having a seating surface generally defined by the front surface of the backrest and the upper surface of the seat cushion in a first position (see Figure 1), stationary base member (16), seat cushion (10), seat track (13), first caster (front member 12), and second caster (rear member 12).

The secondary reference teaches providing a seating assembly with a backrest (47) having a front surface and a rear surface, a forward seating position (see Figure 2) having a seating surface generally defined by the front surface of the backrest and the upper surface of the seat cushion in a first position, and a rearward seating position

Art Unit: 3636

(see Figure 6) having a seating surface generally defined by the rear surface of the backrest and the upper surface of the seat cushion in a second position.

It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify the primary reference in view of the teachings of the secondary reference by adding the plates (19, 19), hinge members (23, 24), and associated structure, to the seating assembly in order to provide the capability of selective adjustment of the assembly between positions for the occupant to face forwardly or rearwardly.

Allowable Subject Matter

Claims 8, 13-17, 19-28, 30-34, and 36-42 are allowed.

Claims 43-45 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Amendment/Arguments

Applicant's response filed February 7, 2007 has been fully considered.

Remaining issues are described in the above sections. Applicant has amended independent claim 1 to overcome the 35 U.S.C. 102(b) rejection based on Harrison et al. The limitations of claim 2 have been incorporated into claim 1 and claim 2 has been cancelled. This has necessitated a new grounds of rejection under 35 U.S.C. 103

Art Unit: 3636

based on Harrison et al in view Higgs et al (as previously applied to claim 2). Applicant argues that Higgs et al fails to teach or disclose "a lap and shoulder restraint system integrated with the backrest for use in connection with either of said front or back surfaces of said backrest". The secondary reference Higgs et al has been provided as showing a lap and shoulder restraint system integrated with a backrest. The primary reference Harrison et al has been provided as showing a lap restraint system integrated with the backrest for use in connection with either of front or back surfaces of the backrest. Applicant argues that the restraint system of Higgs et al is limited to only one seating direction. Higgs et al has not been provided as showing multiple seating directions. Applicant argues that Harrison et al does not teach or suggest modifying the lap and shoulder restraint of Higgs et al for use in connection with either of the front and back surfaces of the backrest. Harrison et al teaches providing a lap restraint system for use in connection with either of the front and back surfaces of the backrest. Higgs et al teaches providing a restraint system as a lap and shoulder restraint system. It is conventional in the pertinent art to provide a restraint system as a lap and shoulder restraint system. Higgs has been provided as a modifier for Harrison et al. In response to Applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. In response to Applicant's argument that there is no suggestion to combine the references, the Examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so

found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. The motivation to combine the prior art references has been provided in the pertinent sections.

Applicant's argues that the rejection of claim 4 is non-obvious for at least the reasons stated with reference to claim 1. The above response to arguments is therefore applicable to claim 4.

Applicant's argues that the rejections of claims 6, 7 and 10 are non-obvious since the combination fails to teach or suggest a lap and shoulder restraint system integrated with the backrest for use in connection with either of the front or back faces of the backrest. The above response to this argument is applicable to claims 6, 7 and 10.

Applicant's argues that the rejection of claim 9 is non-obvious since the combination fails to teach or suggest a lap and shoulder restraint system integrated with the backrest for use in connection with either of the front or back faces of the backrest. The above response to this argument is applicable to claim 9.

Applicant's argues that the rejection of claim 18 is non-obvious since the combination fails to teach or suggest a lap and shoulder restraint system integrated with the backrest for use in connection with either of the front or back faces of the backrest. The above response to this argument is applicable to claim 18.

Regarding claims 63-65, Applicant's amendment has necessitated a new grounds of rejection. This rejection shows all claimed features of claims 63-65.

Applicant has cancelled claims 29 and 35.

All remaining rejections are proper.

Restriction/Election

Previously non-elected and withdrawn claims 37-39 have been treated on the merits since they are now dependent from an allowed, generic claim. The Applicant has canceled non-elected claims 46-62. The restriction requirement of April 6, 2006 has been withdrawn.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

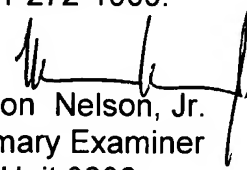
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 3636

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milton Nelson, Jr. whose telephone number is (571) 272-6861. **The examiner can normally be reached on Monday-Wednesday, and alternate Fridays, 5:30-3:00 EST.**

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Milton Nelson, Jr.
Primary Examiner
Art Unit 3636

mn
April 18, 2007